

REMARKS

This amendment is responsive to the Office Action of December 10, 2003. Reexamination and reconsideration of the application are respectfully requested.

The Office Action

The Amendment filed March 24, 2003 stands objected to under 35 USC §132 as introducing new matter into the disclosure.

The **Drawings** stand objected to under 37 CFR §1.83(a).

The **Specification** stands objected to under 37 CFR §1.75(d)(1) and MPEP §608.01(o) as failing to provide proper antecedent basis for the claimed subject matter.

Claims 33, 40, and 42 stand rejected under 35 USC §112, first paragraph.

Claims 28-35 stand rejected under 35 USC §102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as being obvious over, Koncsek et al. (U.S. Patent No. 5,881,758).

Claims 18-27 and 36-42 stand rejected under 35 USC 103(a) as being unpatentable over Koncsek et al. in view of Tindell (U.S. Patent No. 5,447,283).

35 USC §132

Applicant has deleted the amendments to the drawings and the specification introduced in the amendment filed March 24, 2003. Therefore, the Applicants have overcome the objection under 35 USC §132.

Drawings

Figure 9A has been added to show an internal duct having an elliptical cross-sectional shape. Therefore, the drawings now meet the requirements of 37 CFR §1.83(a).

Specification

The Specification was objected to as not disclosing the overboard bypass system/variable area exit. Applicants point to **page 9, lines 2-3** of the application as filed as disclosing the overboard bypass system. Also, the variable-exit area is disclosed at **page 11, line 31**.

35 USC §112, First Paragraph

Claim 30 recites an overboard bypass system. **Claim 40** recites a variable area exit. It is to be understood that an overboard bypass system and a variable area exit are known in the art. Furthermore, a person having ordinary skill in the art understands how an overboard bypass system and a variable area exit operate.

Claim 42 recites that the interior surfaces of the internal duct have continuous surfaces from the opening to the exit of the inlet. It is to be understood that the internal duct is described at **page 7, lines 23-27** of the application as filed.

The Claims of the Present Application Distinguish Over the Cited References

Claim 18 recites entire external surfaces are substantially aligned with the flow of the aircraft. Koncsek et al. (Koncsek) shows in Figure 3, for example, an external surface forming an inlet that is narrower at one end (e.g., the left end of Figure 3) than at the other end (e.g., the right end of Figure 3). Therefore, the external surface disclosed in Koncsek is not substantially aligned with a flow of an aircraft along an entire surface, as recited in **claim 18**. Therefore, **claim 18**, along with **claims 20-23, 36, 37, and 40-42**, which depend therefrom are patentable over Koncsek.

Tindell discloses a boundary layer control for an aircraft. However, Tindell fails to disclose entire external surfaces substantially aligned with a flow of an aircraft, as recited in **claim 18**. Therefore, **claim 18**, along with **claims 20-23, 36, 37, and 40-42**, which depend therefrom are patentable over Tindell.

Furthermore, as discussed above, neither Koncsek nor Tindell discloses, or is concerned with, entire external surfaces substantially aligned with a flow of an aircraft, as recited in **claim 18**. Therefore, **claim 18**, along with **claims 20-23, 36, 37, and 40-42**, which depend therefrom are patentable over the combination of Koncsek and Tindell.

Claim 19 recites external surfaces that are substantially aligned with airflow of an aircraft from a leading edge to an associated engine. Neither Koncsek nor Tindell discloses, or is concerned with, external surfaces that are substantially aligned with airflow of an aircraft from a leading edge to an associated engine, as recited in **claim 19**. Therefore, **claim 19**, along with **claims 24-27, 38, and 39**, which depend therefrom are patentable over Koncsek and Tindell, either taken alone or in combination.

Claim 28 recites one or more external surfaces that are substantially entirely aligned with flow of air to an inlet. Neither Koncsek nor Tindell discloses, or is

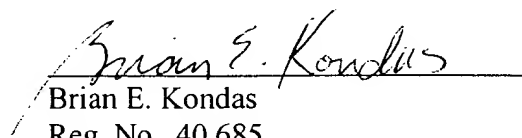
concerned with, an external surface that is substantially entirely aligned with flow of air to an inlet, as recited in **claim 28**. Therefore, **claim 28**, along with **claims 29-35**, which depend therefrom are patentable over Koncsek and Tindell, either taken alone or in combination.

CONCLUSION

For the foregoing reasons, it is submitted that the claims of the present application are in condition for allowance. Early notice thereof is respectfully requested.

Respectfully submitted,

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